

STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

Case Type: Contract

City of Long Lake,

Plaintiff,

Court File No. 27-CV-23-9758

The Hon. Laurie J. Miller

vs.

City of Orono,

Defendant.

DECLARATION OF JAMES VAN EYLL

I, JAMES VAN EYLL, declare under penalty of perjury per Minn. Stat. § 358.116 that the following is true and correct:

1. I am the Fire Chief for the City of Orono. I have personal knowledge of the facts contained herein.
2. I worked as the Fire Chief for the Long Lake Fire Department for 15 years.
3. In December 2022, I applied and accepted the position as the Fire Chief for the Orono Fire Department. Building a fire department from the ground up is a great opportunity.
4. As at-will employees, firefighters of the Long Lake Fire Department never signed any non-compete agreements.
5. Throughout my time as Fire Chief at the Long Lake Fire Department, I never restricted any of the firefighters from working for more than one department.

6. As Orono Fire Chief, I will not restrict any firefighters from working for more than one department. I would never discourage anyone from providing firefighting services to different communities.

7. I have a long-time and good working relationship with Long Lake's new Fire Chief Mike Heiland.

8. It is my intention to coordinate with the Long Lake Fire Department for a smooth transition and to continue to have a good working relationship with them.

9. I have not undertaken any efforts to undermine the Long Lake Fire Department; rather, I am working to build a first-class Fire Department.

10. Long Lake Fire Department has all the necessary equipment to successfully fulfill their obligations under the Contract for Fire Protection. I believe the Long Lake Fire Department can and will be able to effectively meet the needs of the community.

11. It is my professional opinion the Long Lake Fire Department does not need to utilize Fire Station 2 once Orono is servicing the Navarre area. I stand ready and willing to coordinate with Chief Heiland to ensure a smooth transition.

12. The Long Lake Fire Department participates in Hennepin County's mutual/automatic aid systems. It also participates in the statewide mutual aid system. Mutual aid is employed on an as-needed basis where specific units are called for by the incident commander. Automatic aid differs from mutual aid in that units are dispatched as part of the initial response. All aid is predetermined ahead of time and is set up by

area of where the incident occurred and what type of call is happening. All mutual and automatic aid are agreed upon ahead of time.

13. It is my intention to provide mutual aid to the Long Lake Fire Department. The Orono Fire Department would provide mutual aid to Long Lake, Medina, and Minnetonka Beach. I have already discussed entering mutual aid agreements with other neighboring fire departments.

14. No action has been taken by Orono to occupy or utilize Fire Station 2 in contravention of any contract.

15. If Long Lake does not agree to relinquish the use of Fire Station 2 prior to the end of the term of the Contract for Fire Protection, the Orono Fire Department will make other arrangements.

16. Due to the ongoing effects of COVID-19, the lead times for necessary equipment to run a fire department can range from 18 - 36 months.

17. In order to provide adequate services to the City of Orono, the Orono Fire Department necessarily needs to transition in phases, beginning with providing services to the Navarre area.

18. If the Court were to enjoin Orono from continuing to build its Fire Department, it would undermine Orono's ability to provide emergency services to the community. It takes time to properly build and assemble a Fire Department. This could also increase the cost to Orono, if it cannot hire firefighters and purchase equipment.

FURTHER THIS DECLARANT SAYETH NOT.

Dated: June 29, 2023

s/James Van Eyll
James Van Eyll

I declare under penalty of perjury, per Minn. Stat. § 358.116, that everything that I have stated in this document is true and correct.

STATE OF MINNESOTA)
)::ss.
COUNTY OF HENNEPIN)